

CHAPTER 61.5-02-02 LICENSURE

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61.5-02-02-01. General licensure requirements for graduates of approved curricula. The following requirements apply to all applicants for licensure who are graduates of physical therapy or physical therapist assistant curricula approved by the board:

1. United States-educated applicants:
 - a. A completed application form.
 - b. Payment of the fees set by the board.
 - c. An official transcript giving evidence of graduation from a curricula approved by the board.
 - d. Passing scores on the national examination.
 - e. Completion of the juris prudence examination.
 - f. Completion of other educational requirements as set by the board.
 - g. At the board's discretion, an interview with the board or its designees.
2. Foreign-educated applicants:
 - a. A completed application form.
 - b. Payment of the appropriate fees set by the board.
 - c. Verification of documents by an agency recognized by the board.
 - d. Satisfactory evidence that the applicant's education is substantially equivalent to the requirements of physical therapists educated

in a physical therapy education program approved by the board. Substantially equivalent means an applicant for licensure educated outside of the United States shall have:

- (1) Graduated from a physical therapist education program that prepares the applicant to engage without restrictions in the practice of physical therapy.
 - (2) Proof that the applicant's school of physical therapy education is recognized by its own ministry of education.
 - (3) Pass the board-approved English proficiency examination if the applicant's native language is not English.
- e. Passing scores on the national examination.
 - f. Completion of juris prudence examination.
 - g. At the board's discretion, an interview with the board or its designees.
 - h. Completion of a six-month preceptorship under the direct supervision of a physical therapist licensed and actively practicing in North Dakota.

History: Effective December 1, 1980; amended effective July 1, 2004; April 1, 2006.

General Authority: NDCC 43-26.1-03(5)

Law Implemented: NDCC 43-26.1-03, 43-26.1-04

61.5-02-02-02. Types of licensure.

1. For licensure by examination, all general licensure requirements must be met.
2. For licensure by endorsement from another United States jurisdiction:
 - a. All general licensure requirements must be met.
 - b. Verification of licensure in good standing from all jurisdictions in which the applicant has been licensed.
 - c. Copy of scores on the examination transmitted by a score transfer service approved by the board.
 - d. At the board's discretion, an interview with the board or its designees.

- e. If the applicant has not practiced physical therapy for three or more years, the applicant shall demonstrate to the board's satisfaction competence to practice physical therapy by one or more of the following as determined by the board:
 - (1) Practice for a specified time under a restricted license.
 - (2) Complete prescribed remedial courses.
 - (3) Complete continuing education or similar requirements for the period of the expired license.
 - (4) Pass an examination.

History: Effective December 1, 1980; amended effective April 1, 1992; December 1, 1994; July 1, 2004; April 1, 2006.

General Authority: NDCC 43-26.1-03(5)

Law Implemented: NDCC 43-26.1-04, 43-26.1-05

61.5-02-02-03. Registration requirements for graduates of foreign curricula. Repealed effective July 1, 2004.

61.5-02-02-04. Types of registration. Repealed effective July 1, 2004.

61.5-02-02-05. Renewal of licensure.

- 1. Licenses not renewed annually by January thirty-first will expire.
- 2. If a licensee fails to receive the renewal notice, it is the licensee's responsibility to contact the board before the January thirty-first deadline.
- 3. A licensee who fails to renew the license on or before the expiration date shall not practice as a physical therapist or physical therapist assistant in this state, and may be subject to a late renewal fee.
- 4. Complete other educational requirements as prescribed by the board.
- 5. Each licensee is responsible for reporting to the board a name change and changes in business and home addresses within thirty days of the change.

6. All licensed physical therapists may be required to file with the board a notarized statement indicating they have read these administrative rules.

History: Effective December 1, 1980; amended effective April 1, 1992; December 1, 1994; July 1, 2004; April 1, 2006.

General Authority: NDCC 43-26.1-03(5)

Law Implemented: NDCC 43-26.1-08, 43-26.1-09

61.5-02-02-05.1. Reinstatement of licenses.

1. The board may reinstate an expired license upon payment of a renewal fee and reinstatement fee.
2. If a license has expired for more than one year, the licensee is not eligible for renewal, but must submit application for licensure.
3. Licensees whose licenses have lapsed and who have been unlicensed for more than one year but less than three years from the last renewal must reapply for licensure and provide evidence that the cumulative continuing education requirements have been met for the unlicensed period.
4. Licensees whose licenses have lapsed for more than three consecutive years must reapply for licensure and shall demonstrate to the board's satisfaction competence to practice physical therapy, by one or more of the following as determined by the board:
 - a. Practice for a specified time under a restricted license.
 - b. Complete prescribed remedial courses.
 - c. Complete continuing education or similar requirements for the period of the expired license.
 - d. Pass an examination.

History: Effective April 1, 2006.

General Authority: NDCC 43-26.1-03(5)

Law Implemented: NDCC 43-26.1-09

61.5-02-02-06. Exceptions to licensure.

1. The following persons are exempt from North Dakota physical therapy licensure requirements when engaged in the following activities:
 - a. A person in a professional education program approved by the board who is pursuing a course of study leading to a degree as a physical therapist and who is satisfying supervised clinical

education requirements related to the person's physical therapy education while under onsite supervision of a licensed physical therapist.

- b. A physical therapist who is practicing in the United States armed services, United States public health service, or veterans administration pursuant to federal regulation for state licensure of health care providers.
 - c. A physical therapist who is licensed in another United States jurisdiction or a foreign-educated physical therapist credentialed in another country if that person is performing physical therapy in connection with teaching or participating in an educational seminar of no more than sixty days in a calendar year.
 - d. A physical therapist who is licensed in another United States jurisdiction if that person is providing consultation by means of telecommunication to a physical therapist licensed in North Dakota.
2. If aides or students provide physical therapy services other than under direct supervision of a licensed physical therapist, they are in violation of North Dakota Century Code chapter 43-26.1.
3. Upon application to the board, a physical therapist currently licensed in good standing in another state or jurisdiction, and who is not subject to any pending disciplinary proceeding, may practice physical therapy in North Dakota without obtaining licensure from the board provided the practice is limited to no more than thirty full or partial days per year. The one-year period starts on the date the board approves the written application. Prior to this limited practice, the physical therapist must apply to the board, using forms provided by the board, and pay a twenty-five dollar application fee. The application must include:
- a. Verified documentation from the appropriate registration authority identifying the requirements for registration in that jurisdiction, confirming that the physical therapist is registered and in good standing in that jurisdiction, and confirming that the physical therapist is not subject to any pending disciplinary proceedings.
 - b. The dates, locations, purpose, employer, and scope of limited practice the physical therapist intends to perform in North Dakota.
 - c. Other information required by the board.

History: Effective December 1, 1980; amended effective July 1, 2004; April 1, 2006.

General Authority: NDCC 43-26.1-03(5)

Law Implemented: NDCC 43-26.1-07

61.5-02-02-07. Grounds for disciplinary actions. The board may refuse to license any physical therapist or physical therapist assistant, may discipline, or may suspend or revoke the license of any physical therapist or physical therapist assistant for any of the following grounds:

1. Violating any provision of this chapter, board rules, or a written order of the board.
2. Practicing or offering to practice beyond the scope of the practice of physical therapy.
3. Failing to refer a patient or client to an appropriate practitioner if the diagnostic process reveals findings that are outside the scope of a physical therapist's knowledge, experience, or expertise.
4. Obtaining or attempting to obtain a license by fraud or misrepresentation.
5. Engaging in the performance of substandard physical therapy care due to a deliberate or negligent act or failure to act, regardless of whether actual injury to the patient is established.
6. Engaging in the performance of substandard care by a physical therapist assistant, including exceeding the authority to perform components of intervention selected by the supervising physical therapist regardless of whether actual injury to the patient is established.
7. Failing to supervise physical therapist assistants or physical therapy aides in accordance with this chapter and board rules.
8. A determination by the board that a licensee's conviction of an offense has a direct bearing on the licensee's ability to serve the public as a physical therapist or physical therapist assistant or that, following conviction of any offense, the holder is not sufficiently rehabilitated as provided under North Dakota Century Code section 12.1-33-02.1.
9. Practicing as a physical therapist or working as a physical therapist assistant when physical or mental abilities are impaired by the use of controlled substances or other habit-forming drugs, chemicals, alcohol, or by other causes.
10. Having had a license revoked or suspended, other disciplinary action taken, or an application for licensure refused, revoked, or suspended by the proper authorities of another state, territory, or country.
11. Engaging in sexual misconduct. For the purpose of this subsection, sexual misconduct includes:

- a. Engaging in or soliciting sexual relationships, whether consensual or nonconsensual, while a physical therapist or physical therapist assistant-patient relationship exists, except with a spouse.
 - b. Making sexual advances, requesting sexual favors, or engaging in other verbal conduct or physical contact of a sexual nature with patients or clients.
 - c. Intentionally viewing a completely or partially disrobed patient in the course of treatment if the viewing is not related to patient diagnosis or treatment under current practice standards.
- 12. Failing to adhere to the standards of ethics of the physical therapy profession adopted by rule by the board.
 - 13. Charging unreasonable or fraudulent fees for services performed or not performed.
 - 14. Making misleading, deceptive, untrue, or fraudulent representations in violation of this chapter or in the practice of the profession.
 - 15. Having been adjudged mentally incompetent by a court.
 - 16. Aiding and abetting a person who is not licensed in this state in the performance of activities requiring a license.
 - 17. Failing to report to the board, when there is direct knowledge, any unprofessional, incompetent, or illegal acts that appear to be in violation of this chapter or any rules established by the board.
 - 18. Interfering with an investigation or disciplinary proceeding by failure to cooperate, by willful misrepresentation of facts, or by the use of threats or harassment against any patient or witness to prevent that patient or witness from providing evidence in a disciplinary proceeding or any legal action.
 - 19. Failing to maintain adequate patient records. For the purposes of this subsection, "adequate patient records" means legible records that contain at a minimum sufficient information to identify the patient, an evaluation of objective findings, a diagnosis, a plan of care, a treatment record, and a discharge plan.
 - 20. Failing to maintain patient confidentiality without the written authorization of the patient or unless otherwise permitted by law. All records used or resulting from a consultation under North Dakota Century Code section 43-51-03 are part of a patient's records and are subject to applicable confidentiality requirements.

21. Promoting any unnecessary device, treatment intervention, or service resulting in the financial gain of the practitioner or of a third party.
22. Providing treatment intervention unwarranted by the condition of the patient or continuing treatment beyond the point of reasonable benefit.
23. Participating in underutilization or overutilization of physical therapy services for personal or institutional financial gain.

History: Effective December 1, 1980; amended effective July 1, 2004; April 1, 2006.

General Authority: NDCC 43-26.1-03(5)

Law Implemented: NDCC 43-26.1-13